
Appendix I
Draft Water Shortage Emergency Plan
Ordinance

ORDINANCE NO. _____

**A DRAFT ORDINANCE ESTABLISHING
A WATER SHORTAGE EMERGENCY PLAN**

The City Council of American Canyon does ordain as follows:

SECTION 1. Section XX.XX of City of American Canyon Municipal Code is added to *Title XX Water, Sewers and Electrical, Division III, Other Utility Regulations*, to read as follows:

ARTICLE I. TITLE, PURPOSE, AND GENERAL PROVISIONS

XX.xx.xxx Title

This chapter shall be known as the "Water Shortage Emergency Plan" of the City of American Canyon and may be so cited.

XX.xx.xxx Purpose and Intent

The purpose of this ordinance is to have a plan for a water shortage emergency resulting from a reduced supply of water such as may result from drought, water supply shortages, or limitations of water delivery conditions.

Nothing in this ordinance will preclude the City Council from passing an emergency resolution for the immediate curtailment of water use by its customers due to water supply shortages and delivery limitations caused by catastrophic events and conditions, either natural or unnatural.

XX.xx.xxx Definitions

The terms used in this chapter shall have the following meanings:

- A. The "City" means the City of American Canyon acting by and through the City of American Canyon public works department as operator of the City of American Canyon water system.
- B. "Manager" is the city manager of the City of American Canyon.
- C. "Customer" means any person, firm, partnership, association, corporation, company, organization, or governmental entity, whether within or without the geographic boundaries of the City of American Canyon, who uses water supplied by the City.
- D. "GPD" means gallons per day.
- E. "Water" means potable water.

XX.xx.xxx Authorization

The City Manager, or his or her designee, is authorized and directed to implement the applicable provisions of this chapter upon adoption of a City Council resolution determining that such implementation is necessary to protect the public health, safety, and welfare.

XX.xx.xxx Application

The provisions of this chapter shall apply to all persons, customers, and property served by the City.

XX.xx.xxx Water Waste Prohibitions

Non-essential uses: No customer of the City shall use, or permit the use of, potable water from the city for residential, commercial, institutional, industrial, agricultural, or other purpose for the following nonessential uses:

1. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
2. The escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the City, is a reasonable time within which to correct such a break or leak or, at a minimum, to stop the flow of water from such break or leak;
3. Irrigation in a manner or to an extent which allows excessive run off of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his/her water system under control at all times, to know the manner and extent of his/her water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
4. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;
5. Water for non-recycling decorative water fountains;
6. Water for single pass evaporative cooling systems for air conditioning in all connections installed after the effective date of this ordinance, unless required for health or safety reasons;
7. Water for new non-recirculating conveyor car wash systems; and
8. Water for new non-recirculating industrial clothes wash systems.

Exempt Water Uses: All water use associated with the operation and maintenance of fire suppression equipment or employed by the City for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well, or from a reclaimed wastewater, grey water, or rain water utilization system is also exempt.

XX.xx.xxx Water Conservation Stages

No customer of the City shall make, cause, use, or permit the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this chapter, or in an amount in excess of that use permitted by either Conservation Stage 2 or 3 when in effect as declared by separate resolution of the City Council, in accordance with the provisions of this Chapter.

- A. Stage 1. Voluntary Conservation. In order to achieve an overall system-wide reduction goal of 10 percent, all potable water customers of the City shall be requested to:
1. Apply irrigation water only during the evening and early morning hours to reduce evaporation losses.
 2. Inspect all irrigation systems, repair leaks, and adjust spray heads to provide optimum coverage and eliminate avoidable over-spray.
 3. For irrigation valves controlling water applied to lawns, vary the minutes of run-time consistent with fluctuations in weather.
 4. Reduce minutes of run-time for each irrigation cycle if water begins to run-off to gutters and ditches before the irrigation cycle is completed.
 5. Utilize water conservation incentive, rebate and giveaway programs to replace water guzzling plumbing fixtures and appliances with water efficient models.
 6. Utilize City information regarding using water efficiently, reading water meters, repairing ordinary leaks, and water efficient landscape.
- B. Stage 2. Mandatory Compliance -- Water Alert. The City Council may by resolution declare a Conservation Stage 2 upon recommendation by the City Manager based on water supply and delivery projections by the City Engineer that an overall system-wide reduction of 20 percent is necessary. In order to achieve an overall system-wide reduction of 20 percent, the following activities shall be prohibited:
1. Non-essential uses of water, including the following:
 - a. City street cleaning is conducted using potable water.
 - b. Refilling or initial filling of a swimming pool
 - c. Non-commercial washing of privately-owned motor vehicles, trailers and boats except from a bucket and except that a hose equipped with a shut-off nozzle may be used to rinse a vehicle; and
 - d. Any use of water from a fire hydrant except for fighting fires or essential construction needs.
 2. Use of any water except recycled water for dust control at construction sites.
- C. Stage 3. Mandatory Compliance -- Water Emergency. The City Council may, by resolution, declare a Conservation Stage 3 upon recommendation by the City Manager based on water supply and delivery projections by the City Engineer that an overall system-wide reduction of 30 percent is necessary. In order to achieve an overall system-wide reduction of 30 percent, the following activities shall be prohibited:
1. Any activities prohibited during a Conservation Stage 2.
 2. Watering any residential lawn, or any commercial or industrial area lawn irrigated with potable water, at any time of day or night.

3. Planting any new landscaping, except for designated drought resistant landscaping prescribed by the city manager or designated representative.
 4. All day and night-time irrigation sprinkling unless only a hand held nozzle is used. An exception will be made to permit drip irrigation for established perennial plants and trees using manual or automatic time-controlled water application.
 5. Planting of new annual plants, vegetables, flowers or vines.
- D. Stage 4. Mandatory Compliance – Severe Water Emergency. The City Council may, by resolution, declare a Conservation Stage 4 upon recommendation by the City Manager based on water supply and delivery projections by the City Engineer that an overall system-wide reduction of 50 percent is necessary. In order to achieve an overall system-wide reduction of 50 percent, the following activities shall be prohibited:
1. Any activities prohibited during a Conservation Stage 1, 2, or 3.
 2. Mandatory water rationing based on established water banks in effect.

XX.xx.xxx Exceptions and application procedures for exceptions

Any customer of the City may make written application for an exception. Said application shall describe in detail why applicant believes an exception is justified.

- A. The City Manager may grant exceptions for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or the public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
- B. The decision of the City Manager may be appealed to the City Council by submitting a written appeal to the City Clerk within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the City Council may impose any conditions it determines to be just and proper. Exceptions granted by the City Council shall be prepared in writing and the City Council may require the exception be recorded at applicant's expense.

XX.xx.xxx Violation—Enforcement

The violation of each provision of this chapter, and each separate violation thereof, shall be deemed a separate offense. The City may take some or all of the following actions. Fees and charges for the activities below may be established by resolution of the City Council.

- A. Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected may be left on the premises, with a copy of the notice sent by certified mail to the customer.
- B. After notice and a hearing provided in accordance with section XX.xx.xxx below, the City Council may authorize the installation of a flow-restricting device on the service line and require payment of a fee in amount set by City Council resolution.
- C. The City Council may charge a water waste fee to the customer in an amount set by City Council resolution.

- D. After notice and a hearing provided in accordance with section XX.xx.xxx below, the City Council may authorize termination of water service and the charge for same shall be billed to the customer. Except in cases of extreme emergency as solely determined by the City Manager, service shall not be reinstated until verified by the City Manager that the violation has been corrected and all charges and fees have been paid.

XX.xx.xxx Notice and Hearing

Before either installing a water restrictor or terminating water service, the City shall give written notice to the person responsible for the service connection to be either restricted or terminated of its intention to do so. The person or persons to whom notice is given shall have five business days from the date of service of the notice to request a hearing before the city manager or his or her designee in order to present any and all evidence they may have as to why a restrictor should not be installed or service terminated. If a hearing is requested, the City Manager or his or her designee shall schedule a date and time for said hearing as soon as possible after the request is filed, but not later than five business days after the filing or such request for hearing. At the hearing, the person whose service connection is to be restricted or terminated and the utilities personnel may offer evidence. The City Manager or his or her designee shall make a final determination as to whether service should be restricted or terminated and under what conditions.

XX.xx.xxx Additional Remedy

As an additional remedy, the violation of any provision of this chapter by any person who has received more than one written warning pursuant to Section XX.xx.xxx to refrain from the same or any other violation under this chapter in one calendar year shall be deemed and is declared to be, a public nuisance and may be subject to abatement in accordance with Chapter x.xx of the City Municipal Code.

SECTION 2. Severability

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Effective Date

This ordinance shall become effective 30 days after the date of adoption.

SECTION 4. Posting

The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of American Canyon on the (number) of (month), (year) and legally adopted on the ____ day of _____, year by the following vote, to wit:

Councilmember: _____
Councilmember: _____
Councilmember: _____
Councilmember: _____
Councilmember: _____

APPROVED: _____
Mayor

ATTEST: _____
Deputy City Clerk

APPROVED AS TO FORM: _____
City Attorney